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Docket No.: PF112PID2  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Rosen et al.

Application No.: 10/023,584-Conf. #4809

Group Art Unit: 1647

Filed: December 21, 2001

Examiner: Not Yet Assigned

For: Vascular Endothelial Growth Factor 2

**FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**PURSUANT TO 37 § CFR 1.56**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to the Statutory Declarations and accompanying exhibits as follows:

- (a) Statutory Declaration of Peter Adrian Walton Rogers, executed on August 9, 2002; and
- (b) Statutory Declaration of Kari Alitalo and exhibits KA-1 and KA-2, executed on August 14, 2002.

The above-listed declarations and accompanying exhibits were received by Applicants in connection with an opposition to an Australian application that essentially corresponds to the U.S. priority application in this case. The above-listed declarations were received within one (1) month of the filing of the instant information disclosure statement. A copy of the above-listed Declarations and accompanying exhibits thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed reference(s) is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Applicants respectfully request that the Examiner acknowledge receipt of the enclosed Declarations and exhibit attached thereto, in the file of the instant application. Pursuant to 37 C.F.R. § 1.97(b), since this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, no fee is due in connection herewith. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425. A Fee Transmittal is also enclosed.

Dated: September 12, 2002

Respectfully submitted,

By   
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Attorney for Applicants

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Enclosures  
MMW/AKR/lcc